

REMARKS

Applicant would like to thank Examiner Kidwell for extending a telephone interview to applicant's representative regarding the status of the above-identified application. This Amendment is intended to reflect the results of that interview.

Turning to the grounds of rejection, claims 1-14, 17-38 and 41-48 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Chmielewski (U.S. Patent No. 6,068,620). This ground of rejection is respectfully traversed.

The Examiner states that Chmielewski discloses an absorbent article having a longitudinal and lateral dimension comprising a top sheet, a back sheet, and a multi-component absorbent core composite **34** disposed between the top sheet and the back sheet. The Examiner also states that the multi-component absorbent core composite of the reference includes a first **340a** and two second **342b** separate absorbent core units having different properties. The Examiner further states that both core units are positioned adjacent each other in a lateral direction in a side-to-side relationship, pointing to FIG. 3 of the reference.

In order for a claim to be anticipated by a reference, that reference must disclose each and every element of the claimed invention. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."); see, also, *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the . . . claim.").

The present claims have been amended in order to further clarify the invention. In particular, the claims state that the multi-component absorbent core comprises three separate core units arranged in laterally adjacent alignment without overlapping each other. This structure is depicted in the present drawings in FIGS. 3 and 4, and is distinguished from other embodiments depicted in FIGS. 9 and 11, which show at least some overlapping of the cores.

The instant claims are clearly distinguished over the Chmielewski reference, which discloses a central absorbent laminate **340** and a wrapping absorbent laminate

342. The wrapping absorbent laminate 342 envelops the central laminate 340 on two sides of the central laminate, and thereby does not meet the claim requirements by failing to disclose one or more of the following: (1) three separate core units, (2) a lateral arrangement of the core elements, and (3) non-overlapping core elements. Accordingly, the elements of the claimed invention are not disclosed in a single prior art as required for anticipation. See *In Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 20 U.S.P.Q.2d (BNA) 1746 (Fed. Cir. 1991).

Claims 15-16 and 39-40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Chmielewski. This ground of rejection is also traversed.

Three criteria must be met to establish a prima facie case of obviousness: (1) there must be some suggestion or motivation to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art references must teach or suggest all the claim limitations (MPEP § 2143).

The Examiner states that it would be obvious to use a cellulose ester tow in Chmielewski, and that this would embrace the embodiments covered in the rejected claims. However, applicant points out that, as stated above, the Chmielewski reference does not teach or suggest a multi-component core arrangement as presently claimed in this application.

Accordingly, the present application is now believed to overcome the remaining rejections, and to be in proper condition for allowance. Reconsideration of the rejections and allowance of this application are therefore respectfully solicited. Entry of this Amendment is deemed appropriate at this time since it does not require any further search or consideration. The Examiner is invited to contact the undersigned at the telephone number listed below to facilitate the prosecution of this application.

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